

05-25-01

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages **29**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings *(if filed)*
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets **17**]
5. Oath or Declaration [Total Pages]
 a. Newly executed (original or copy)
 b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

Attorney Docket No.	28122.90
First Inventor	Gregory Murphy
Title	VENTRICULAR RESTORATION PATCH APPARATUS AND METHOD OF USE
Express Mail Label No.	EL828064135US

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS		
9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))		
10. <input type="checkbox"/> 37 CFR 3.73(b) Statement	<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Attorney
11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i>		
12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449	<input type="checkbox"/> Copies of IDS Citations	
13. <input type="checkbox"/> Preliminary Amendment		
14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>		
15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>		
16. <input checked="" type="checkbox"/> Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.		
17. <input checked="" type="checkbox"/> Other: Express Mail Certificate		

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)

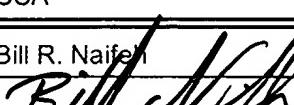
of prior application No.: /

Prior application information: Examiner _____

Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Enter Customer No. or Attach bar code label here)			<input checked="" type="checkbox"/> Correspondence address below
Name	David L. McCombs			
Address	HAYNES AND BOONE LLP 901 Main Street, Suite 3100			
City	Dallas	State	TX	Zip Code
Country	USA	Telephone	(214) 651-5533	Fax
Name (Print/Type)	Bill R. Naifeh	Registration No. (Attorney/Agent)	44,962	
Signature				Date 5/24/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL

for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 391.00)

Complete if Known

Application Number	n/a
Filing Date	Herewith
First Named Inventor	Gregory Murphy
Examiner Name	n/a
Group Art Unit	n/a
Attorney Docket No.	28122.90

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **08-1394**
 Deposit Account Name **Haynes and Boone, L.L.P.**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	710	201	355 Utility filing fee	355.00
106	320	206	160 Design filing fee	
107	490	207	245 Plant filing fee	
108	710	208	355 Reissue filing fee	
114	150	214	75 Provisional filing fee	

SUBTOTAL (1) (\$ 355.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	24	-20** = 4.00	x 9 = 36.00
Multiple Dependent	2	-3** = -1.00	x 0.00
			= 0.00

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description
103	18	203	9 Claims in excess of 20
102	80	202	40 Independent claims in excess of 3
104	270	204	135 Multiple dependent claim, if not paid
109	80	209	40 ** Reissue independent claims over original patent
110	18	210	9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 36.00)

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath	
127	50	227	25 Surcharge - late provisional filing fee or cover sheet	
139	130	139	130 Non-English specification	
147	2,520	147	2,520 For filing a request for ex parte reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	390	216	195 Extension for reply within second month	
117	890	217	445 Extension for reply within third month	
118	1,390	218	695 Extension for reply within fourth month	
128	1,890	228	945 Extension for reply within fifth month	
119	310	219	155 Notice of Appeal	
120	310	220	155 Filing a brief in support of an appeal	
121	270	221	135 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive - unavoidable	
141	1,240	241	620 Petition to revive - unintentional	
142	1,240	242	620 Utility issue fee (or reissue)	
143	440	243	220 Design issue fee	
144	600	244	300 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	
123	50	123	50 Petitions related to provisional applications	
126	240	126	240 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment per property (times number of properties)	
146	710	246	355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355 Request for Continued Examination (RCE)	
169	900	169	900 Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Bill R. Naitch	Registration No. (Attorney/Agent)	44,962	Telephone	(214) 651-5706
Signature					
Date	5/29/01				

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Murphy et al. § Docket Number:
§ 28122.90
Serial No.: N/A §
Filed: Herewith § Group Art Unit: Unknown
For: VENTRICULAR RESTORATION PATCH §
APPARATUS AND METHOD OF USE § Examiner: Unknown
§
§

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

Express Mail Number: EL828064135US

Date of Deposit: May 24, 2001

I hereby certify that the following attached papers and fee:

1. Utility Patent Application Transmittal Sheet (in duplicate);
2. Fee Transmittal Sheet (in duplicate)
3. Patent Application consisting of 29 pages of Specification, 24 Claims, 1 page of Abstract;
4. 17 informal drawing sheets;
5. A check in the amount of \$391.00 for filing fees;
6. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i); and
7. Return Postcard.

are being deposited with United States Postal Service "Express Mail Post Office to Addressee" to the Commissioner for Patents, Box Patent Application, Washington, D. C. 20231.

Fran Ideker
Typed or Printed Name

Fran Ideker

Signature

D-898840.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Murphy et al.	§	Docket No.:	28122.90
Serial No.:	n/a	§	Examiner:	n/a
Filing Date:	Herewith	§	Art Unit:	n/a
For:	VENTRICULAR RESTORATION PATCH APPARATUS AND METHOD OF USE	§ § § §		

Commissioner of the U.S. Patent
and Trademark Office
Box: Patent Application
Washington, D.C. 20231

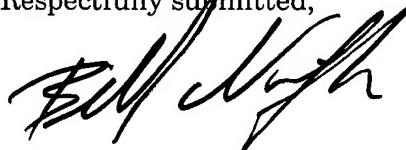
Dear Sir:

REQUEST FOR NON-PUBLICATION OF PATENT APPLICATION

Applicant hereby request non-publication at eighteen months from the filing date for the above-identified patent application as required in 35 U.S.C. § 122(b).

Bill R. Naifeh hereby certifies that the invention disclosed in the attached application, entitled VENTRICULAR RESTORATION PATCH APPARATUS AND METHOD OF USE has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

Respectfully submitted,



Bill R. Naifeh
Reg. No. 44,962

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Attorney Docket No. 28122.90
D-899066.1